

PUBLIC MEETING MINUTES FOR TUESDAY, AUGUST 5, 2014

Commissioner Blaine R. Young, *President*, called to order a public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Tuesday, August 5, 2014, at 7:00 p.m. in Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve and Kirby Delauter. Also in attendance were Ms. Lori Depies, County Manager; Mr. John Mathias, County Attorney; and Ms. Joyce Grossnickle, Administrative Officer.

The meeting began with an invocation followed by the recitation of the Pledge of Allegiance.

PUBLIC HEARING

Zoning Map Amendment #R-14-02 – Monocacy Glen Planned Unit Development (PUD) – John Dimitriou, Community Development Division

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on Zoning Map Amendment #R-14-02.

Also present for the public hearing from the Community Development Division were Mr. Gary Hessong, Ms. Shawna Lemonds and Mr. Ron Burns.

Mr. Dimitriou presented the request to rezone +/- 37.7 acres located on the south side of Michaels Mill Road, east of Buckeystown Pike from Agricultural to PUD with a maximum of 161 dwellings.

Mr. Dimitriou indicated the staff had recommended approval of #R-14-02, based upon a review of the Approval Criteria as set forth in § 1-19-3.110.4; and a finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in § 1-19-10.500.3; and subject to the following conditions of approval:

1. A maximum of 161 dwellings may be constructed.
2. Provide a vehicular connection to Buckingham Lane with single family detached dwellings located in this area.
3. Provide front facing and rear loaded garage dwellings along Michaels Mill Road.
4. Provide a stub street connection to the adjoining property on the southern corner of the Site, identified as Tax Map 95, Parcel 13, in the Frederick County Land Records.
5. Provide a stub street connection to the adjoining property on the eastern border of the Site, identified as Tax Map 95, Parcel 206, in the Frederick County Land Records.
6. Provide a diversity of single family lot sizes.

Mr. Dimitriou noted the Frederick County Planning Commission voted to not forward a recommendation of approval or denial for Zoning Map Amendment #R-14-02.

Mr. Burns discussed the traffic issues associated with the request and indicated the Community Development Division staff was recommending approval conditioned upon Michaels Mill Road being widened to two (2) lanes as a condition of Phase I approval, as well as a condition that a vehicular connection to Buckingham Lane be provided. Mr. Burns did note there was a site distance issue where Buckingham Lane intersects MD 85.

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The following citizens cross-examined the staff:

- John Espinosa
- Craig Hicks
- Tim Reardon
- Elnora Little
- Dan Linton
- Julie McGovern
- John Noland

The applicant, Hogan Land Company, LLC, was represented by Mr. Bruce Dean, Esquire; Mr. K.C. Reed, Dewberry; and Mr. Joe Caloggero, The Traffic Group. Mr. Tim Hogan and Mr. Victor White, Hogan Land Company, LLC, were also present. The applicant's representatives noted:

1. The applicant would be willing to work with the Community Development Division on the issue of Michaels Mill Road being able to handle the additional traffic as a result of the new development. Regarding the issue of accessing Buckingham Lane, it would be gated and access would only occur when the flood gate on Michaels Mill Road was closed or only when Michaels Mill Road was inaccessible.
2. Public water and sewer would be brought to the proposed site which could also serve the residents of Buckeystown.
3. The proposed density of 3-6 units would be reduced to 3.13 units.

The following citizens cross-examined the applicants' representatives:

Elnora Little
Kirk Horstman
John Espinosa
Rolan Clark
Craig Hicks
Wiley Horsley
Francesca McCarter
Dan Linton
John Noland
John Sears
Carl Thomas
Maria Callison
Lauren Melia, Esquire

(The Board took a break at 9:13 p.m. and Commissioner Young reconvened the meeting at 9:26 p.m.)

Mr. Burns provided additional comments stating staff would have to recommend denial if there was a gate on Buckingham Lane. However, staff could recommend approval with conditions if there was no gate on Buckingham Lane.

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Public comments were given by:

Mark Lysher
 Rolan Clark
 Wiley Horsley
 Beverly Horsley
 Nancy Bodmer
 Maria Callison
 Elnora Little
 Michael Little
 Jim Nygaard
 Thomas Swanson
 Evelyn Miller
 Julie McGuffin
 Judy Johnson
 Doug Hering
 Jerome M. Crewe
 Jerome J. Crewe
 Laura Melia, Esquire
 Tim Reardon
 Patricia Alcock
 Cecil Caraker
 April Reardon
 Robert May
 Barbary Burg
 John Limbacher
 Jonathan Sears
 John Espinosa
 Kirk Horstman
 Francesca McCarter

The applicant's representatives gave a rebuttal on the public comments heard this evening.

Motion to deny Zoning Map Amendment #R-14-02 – Failed 2-3.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young		X	X			
Smith				X		
Shreve				X		
Gray	X		X			
Delauter				X		

Commissioner Shreve made a motion to continue Zoning Map Amendment #R-14-02 to allow time for the flooding and access issues to be addressed. The motion was seconded by Commissioner Smith. After some discussion, Commissioner Smith withdrew his second.

Commissioner Smith made a motion to approve the Zoning Map Amendment #R-14-02 with the following conditions:

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1. *Limit the number of homes to 75.*
2. *Provide a stub street connection to the adjoining property on the southern corner of the Site, identified as Tax Map 95, Parcel 13, in the Frederick County Land Records.*
3. *Provide only single family homes.*

There was no second to Commissioner Smith's motion.

There were no further motions made by the Board of County Commissioners.

PUBLIC COMMENTS AND/OR REQUESTS

None.

ADJOURN

The meeting adjourned at 12:04 a.m.

Joyce M. Grossnickle
Administrative Officer